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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,147	07/31/2006	Wataru Ikeda	P34029-02	3256

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WASHINGTON, DC 20036

EXAMINER
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HARVEY, DAVID E

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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09/17/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

kamata.kenji@jp.panasonic.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/554,147	<b>Applicant(s)</b> IKEDA ET AL.	
	<b>Examiner</b> DAVID E. HARVEY	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/30/2009 &amp; 10/20/2005</u> .                              | 6) <input type="checkbox"/> Other: _____                          |

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**1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.**

**2. 35 U.S.C. 101 reads as follows:**

**Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.**

**3. Claim 14 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The preamble of claim 14 indicates that the claim is directed to a computer program per se. Computer programs per se are nonfunctional descriptive material and, as such, constitute non-statutory subject matter.

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**4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al.**

Tozaki et al. discloses a DVD recording medium (e.g., @ Figure 1A) having data stored thereon in accordance with the DVD standard (e.g., note figure 1). The data stored on the DVD comprises a PGCI control data portion (e.g., @ 11 of Figure 1) that includes:

A) Marker information (e.g., @ Figure 4) for specifying predetermined cell positions within the recorded data stream;

B) Wherein the marker information (e.g., Figure 4) includes attribute information (e.g., the “1<sup>st</sup> Reproduction Prohibit Flag” of Figure 4) relating to each predetermined cell position; and

C) Wherein the attribute information indicates whether a playback device should refer to (i.e., permit the playing of) or ignore (i.e., prohibit the playing of) each predetermined cell position when a user operation intended to choose the predetermined position as a playback start position is received (e.g., when the user inputs search/skip commands) [Note Figure 11]

[Note: lines 1-12 of column 2; 50-67 of column 3; 1-7 of column 4; lines 12-16 and 64-67 of column 11; lines 6-61 of column 16; lines 10-33 of column 17; lines 29-33 of column 18; lines 57-65 of column 20; and lines 33-65 of column 26]

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**6. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 1. Additionally:**

As noted above, the DVD described by Tozaki et al. is formatted according to conventional DVD standard. As such, the storage medium includes playback path information (e.g., the PGC and PGCI data) [note lines 6-15 of column 4] wherein, as noted above, this information includes the table information of Figure 4 comprising a pair of indication for each cell position (i.e., the "start" and "end" addresses shown in Figure 4) and, inherently, also includes time information setting for the display order of the cells [inherent in the DVD format (note, again, note lines 6-15 of column 4)].

**7. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 1. Additionally:**

In Tozaki et al., the cell positions that are being "ignored" are "branch" positions that represent responses to right and wrong answers to questions. The playback path information inherently generates the appropriate branching commands (as defined via the DVD standard).

**8. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 3. Additionally:**

Note lines 54-61 of column 12 in Tozaki et al.

**9. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 3. Additionally:**

Note lines 33-51 of column 26 in Tozaki et al.

**10. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 1. Additionally:**

Tozaki et al. discloses the playback apparatus shown in Figure 9 for playing the DVD described therein wherein the apparatus includes: a reading unit (e.g., @ 80); a playback unit (e.g., @ 86-91); and a control unit (e.g., @ 100). The examiner maintains that "cue-up" simply reads on the processing in which the "next" cell position to be played is located on the DVD.

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**11. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 6. Additionally:**

As noted above, the DVD described by Tozaki et al. is formatted according to conventional DVD standard. As such, the storage medium includes playback path information (e.g., the PGC and PGCI data) [note lines 6-15 of column 4) wherein, as noted above, this information includes the table information of Figure 4 comprising a pair of indication for each cell position (i.e., the “start” and “end” addresses shown in Figure 4) and, inherently, also includes time information setting for the display order of the cells [inherent in the DVD format (note, again, note lines 6-15 of column 4)].

**12. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 6. Additionally:**

In Tozaki et al., the cell positions that are being “ignored” are “branch” positions that represent responses to right and wrong answers to questions. The playback path information inherently generates the appropriate branching commands (as defined via the DVD standard).

**13. Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 8. Additionally:**

Note lines 54-61 of column 12 in Tozaki et al.

**14. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 6. Additionally:**

Note lines 56-68 of column 24 in Tozaki et al.

**15. Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 6. Additionally:**

Note lines 33-51 of column 26 in Tozaki et al.

**16. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 10.**

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**17. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 1. Additionally:**

Note Figure 8 and the discussion related thereto beginning in line 6 of column 19 in Tozaki et al.

**18. Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #6,085,021 to Tozaki et al for the same reasons that were set forth above for claim 1.**

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsh D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY  
Primary Examiner  
Art Unit 2621